

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-16296 - APPLICANT/OWNER: JOHN HERNANDEZ

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. A General Plan Amendment (GPA-16294) to an O (Office) Land Use Designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-16292) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Coordinate with the Land Development section of the Department of Public Works to determine what improvements are substandard.
5. Landscape and maintain all unimproved rights-of-way, if any, on Spencer Street adjacent to this site concurrent with development.
6. Submit an Encroachment Agreement for all landscaping, if any, located in the Spencer Street public right-of-way adjacent to this site prior to the issuance of a business license.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.17 acres at 410 Spencer Street.

The proposed Rezoning to a P-R (Professional Office and Parking) District is not compatible with the surrounding area. This request is inappropriate to its context as it would permit a use that otherwise would not be compatible with the surrounding area. As this request is not compatible with the neighborhood denial of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 02/08/07 | The Planning Commission recommended denial of companion item GPA-16294 and SDR-16292 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #22/jm). |
| <i>Related Building Permits/Business Licenses</i> | |
| There are no building permits or business licenses that pertain to this site. | |
| <i>Pre-Application Meeting</i> | |
| Month/date/year | Description |
| 08/02/06 | A pre-application meeting was held with the applicant. The applicant was informed that their request to convert their house into an office would require a Site Development Plan Review, a Rezoning, a Variance, and General Plan Amendment. The applicant was also informed that if they were to utilize the parking lot to the south, they would need a shared parking agreement. |
| <i>Neighborhood Meeting</i> | |
| Month/date/year | Description |
| 09/14/06 | The Neighborhood Meeting was held at 6:00 pm at the East Las Vegas Community Center. One resident attended the meeting. The resident was concerned with the site only providing one parking space. The applicant is working with the adjacent owner to allow access to the rear property. |

| <i>Details of Application Request</i> | |
|--|------|
| <i>Site Area</i> | |
| Net Acres | 0.17 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---------------------------|-----------------------------|---------------------------------|
| Subject Property | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| North | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Parking Lot | L (Low Density Residential) | R-4 (High Density Residential) |
| East | Existing Church | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | X | Y |
| Special Purpose and Overlay Districts | | X | Y |
| Trails | | X | Y |
| Rural Preservation Overlay District | | X | Y |
| Development Impact Notification Assessment | | X | Y |
| Project of Regional Significance | | X | Y |

DEVELOPMENT STANDARDS

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|---|--|---|--------------------------|
| Min. Lot Size | N/A | N/A | N/A |
| Min. Lot Width | 60 Feet | 62 Feet | Y |
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side (north) • Side (south) • Rear | 20 Feet 5 Feet 5 Feet 15 Feet | 26.5 Feet 8.5 Feet 14.5 Feet 60.5 Feet | Y |
| Max. Lot Coverage | 50% | 11.6 % | Y |
| Max. Building Height | 2 Stories or 35 Feet | 15 Feet | Y |
| Trash Enclosure | No | Access off street | Y |
| Mech. Equipment | Screened | Screened | Y |

| Landscaping and Open Space Standards | | | | |
|---|-----------------------|--------------|-----------------|-------------------|
| Standards | Required | | Provided | Compliance |
| | Ratio | Trees | | |
| Parking Area | 1 Tree/6 Spaces | NA | NA | Y |
| Buffer: Min. Trees | 1 Tree/20 Linear Feet | 16 Trees | 19 Trees | Y |
| TOTAL | | | | Y |
| Min. Zone Width (adjacent to ROW) | 15 Feet | | 15 Feet | Y |
| Min. Zone Width (side property line) | 8 Feet | | Zero Feet | N* |
| Min. Zone Width (rear property line) | 8 Feet | | 3 Feet | N* |
| Wall Height | 8 Feet | | Existing 8 Feet | Y |

*A waiver of perimeter landscape buffer has been requested.

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|---------------------|-------------------------------------|---------------|---------|--------------|----------|--------------|------------|
| Use | Gross Floor Area or Number of Units | Required | | | Provided | | Compliance |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Office | 859 SF | 1 per 300 | 3 | 1 | 4 | 1 | Y |
| SubTotal | | | 3 | 1 | 4 | 1 | |
| TOTAL | | | 3 | | 5 | | Y |

| Waivers | | |
|--|--|-----------------------------|
| Request | Requirement | Staff Recommendation |
| Waivers to allow perimeter landscape buffer widths of zero feet in the side yard and three-feet in the rear yard where eight feet is the minimum required. | Per 19.12.040 – A perimeter buffer zone consisting of landscape planting and screening shall be provided adjacent to all street right-of-way and property lines. | Denial |

ANALYSIS

The applicant has requested a Rezoning (ZON-15233) from R-1 (Single Density Residential) District to a P-R (Professional Office and Parking) District. There is no P-R in the vicinity and this Rezoning request is considered inappropriate based on its context. The proposed use as an office is not compatible with the surrounding area, which is primarily residential.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The current General Plan designation on the site is L (Low Density Residential). The majority of the surrounding area is L (Low Density Residential). The addition of an Office designation to this site would be out of character with the area and contrary to the intent of the General Plan.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

There is no P-R (Professional Office and Parking) in the vicinity and this Rezoning request is considered inappropriate based on context. The proposed use as an office is not compatible with the surrounding area, which is primarily residential.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

The proposed use as an office is not compatible with surrounding development. In addition to this Rezoning request, the proposed development requires a General Plan Amendment and Waivers of landscaping standards. Due to the incompatibility with surrounding land uses and several deviations from standards, denial of this request is recommended.

4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”

The proposed office would be serviced by Spencer Street, a local street. In the pre-application meeting, the applicant intimated that they were going to acquire a shared parking agreement with the owner of the parking lot to gain access through that lot. However, no parking agreement was submitted as part of this application.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 272 by Planning Department

APPROVALS 0

PROTESTS 0